

REMARKS

Claims 145 through 186 were presented for examination in the present application. The instant amendment cancels claims 147, 155, and 169 without prejudice. Thus, claims 145-146, 148-154, 156-168, and 170-186 are presented for consideration upon entry of the instant amendment.

Applicant acknowledges with appreciation the indication of allowable subject matter in claims 153-154, 158-162, 164-165, 167-168, 172-176, and 178-186.

Applicant also acknowledges with appreciation the indication that claims 145, 148-153, 156, 158-160, 163-167, 170, 172-173, 177-180, and 185-186 are generic.

Applicant re-submits herewith for consideration the foreign references originally submitted on March 27, 2003 and indicated by the Office Action as having been lost in the USPTO. These references were properly submitted in an information disclosure statement filed during the period set forth in 37 CFR §1.97(b), namely prior to the first office action. Thus, Applicant respectfully submits that a final action, if any, based only on such foreign references would be premature.

Claims 146, 148-154, 157, 160-161, 163, 167-168, 171, 174-175, 177, 181, and 183 were rejected under 35 U.S.C. §112, second paragraph. The Office Action asserts that "the subject matter added with each claim has not been written as further method step".

Applicant respectfully traverses this rejection. Applicant respectfully submits that dependent method claims can include product features only.

"A claim in dependent form shall . . . specify a further limitation of the subject matter claimed." See 35 U.S.C. §112. Further, the primary purpose of this requirement of definiteness of claim language is to ensure that the scope of the claim is clear so the public is informed of the boundaries of what constitutes infringement of the patent. See Manual of Patent Examining Practice 2173.

It is respectfully submitted that claims 146, 148-154, 157, 160-161, 163, 167-168, 171, 174-175, 177, 181, and 183 add a further feature to their respective independent claims and, thus, meet both the requirements and purpose of section 112. For purposes of brevity, Applicant's traversal is discussed in light of two exemplary rejected claims, namely claims 148 and 151.

Pending claim 148 recites:

"The method as in claim 145, wherein said finished edge resists unraveling."

It is respectfully submitted that claim 148 further defines independent claim 145 through the further definition of the "finished edge" element. In addition, it is submitted that the scope of claim 148 is clear.

Pending claim 151 recites:

"The method as in claim 145, wherein removing said selvage from said laminate comprises moving a cutting device along said outer periphery."

Applicant respectfully submits claim 151 further defines and clarifies the scope of independent claim 145 through the definition of the "removing" step of claim 145 as comprising "moving a cutting device".

In light of the traversal above, Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 146, 148-154, 157, 160-161, 163, 167-168, 171, 174-175, 177, 181, and 183.

Claims 145, 148-149, 158, 166, 172, 180, and 184-186 were also rejected under 35 U.S.C. §112, second paragraph. The Office Action asserted that "the exact structure of the finished edge is not clearly claimed".

Independent claims 145 and 166 now clarify that "the self finished edge is a cut edge". Similarly, independent claims 180, 185, and 186 now clarify that a cut edge defines the self finished edge of the undergarment. It is believed that these claims now make explicit what had been implicit in the claims, rendering this rejection moot.

The Office Action also asserted that "another method step is required to make the edge resist unraveling". Applicant respectfully traverses this assertion.

The present application states at least at paragraph 49 that:

The fabric laminate used in the manufacture of garments according to the present invention provides a finished edge that is smooth and resists unraveling, so that additional edge finishing steps are not required. The self-finishing

edge eliminates the need of edge tapes and/or narrow elastic finishing parts, and has the benefits of additional comfort and aesthetics.

Thus, it is respectfully submitted that the present application makes clear that the self finished edge does not require additional process steps. Accordingly, reconsideration and withdrawal of the rejection to claims 145, 148-149, 158, 166, 172, 180, and 184-186 are requested.

Claims 145-146, 148-149, 151-152, 156-157, 163, 166, 170-171, and 177 were rejected under 35 U.S.C. §102 over U.S. Patent No. 5,154,659 to Gluckin (Gluckin). Additionally, claim 150 was rejected under 35 U.S.C. §103 over Gluckin.

Applicant respectfully traverses these rejections.

Gluckin discloses a brassiere 60 having right and left side panels 70, 72 that are sewn together by a center seam 74 as seen in Figure 2. See Col. 2, line 64 through Col. 3, line 8. Thus, Gluckin merely discloses a three layer fused laminate 100 that is larger than the right left side panel 70 or the left side panel 72, where these panels are joined by a center seam 74.

In contrast, independent claim 145 requires, in part, "inserting an adhesive layer between a first fabric layer and a second fabric layer to form a fabric composite, said composite having a periphery that is larger than an outer periphery of the undergarment".

Thus, claim 145 requires a composite having a periphery larger than the undergarment, whereas Gluckin merely discloses a

laminate that is larger than the right or left side panels. Accordingly, it is submitted that claim 145 is not disclosed or suggested by Gluckin.

Claim 145 is therefore believed to be in condition for allowance. Since claims 146 and 148-165 depend from claim 145, they are also believed to be in condition for allowance.

Similar to claim 145 discussed above, independent claim 166 requires, in part, "causing said adhesive layer to bond said first and second fabric layers together to form a laminate, said laminate having a periphery that is larger than an outer periphery of the undergarment". Again, Gluckin merely discloses a fused laminate that is larger than either the right or left side panels. Accordingly, it is submitted that claim 166 is also not disclosed or suggested by Gluckin.

Claim 166 is therefore believed to be in condition for allowance. Since claims 170-171 and 177 depend from claim 166, they are also believed to be in condition for allowance.

Reconsideration and withdrawal of this rejection are respectfully requested.

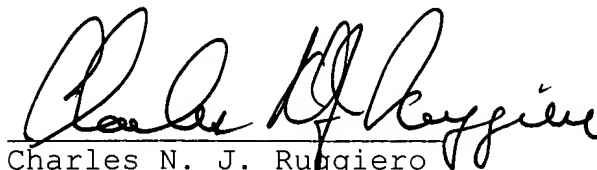
In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone

number below.

Respectfully submitted,

Date: April 27, 2004

A handwritten signature in dark ink, appearing to read "Charles N. J. Ruggiero", written over a horizontal line.

Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401